

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-6037

In Re: MICHAEL ALLEN KOKOSKI,

Petitioner,

On Petition for Writ of Mandamus.
(CA-01-944-5)

Submitted: February 24, 2005

Decided: March 9, 2005

Before NIEMEYER, WILLIAMS, and KING, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Michael Allen Kokoski, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Michael Allen Kokoski petitions for writ of mandamus, alleging the district court has unduly delayed acting on his pending Rule 60(b) motion and motion to recuse the magistrate judge. He seeks an order from this court directing the district court to act. Mandamus is a drastic remedy, to be granted only in extraordinary circumstances. In re Beard, 811 F.2d 818, 826 (4th Cir. 1987). We note that the district court recently issued an order denying Kokoski's recusal motion, rendering this portion of Kokoski's mandamus petition moot. Moreover, because there has been recent significant action in the district court, we find no undue delay. Accordingly, we deny Kokoski's petition for writ of mandamus. We grant leave to proceed in forma pauperis. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED